

Cherokee National Penitentiary  
124 E. Choctaw Street  
Tahlequah  
Cherokee County  
Oklahoma

HABS No. OK-25

HABS  
OKLA,  
11- TALL,  
4-

PHOTOGRAPHS

HISTORICAL AND DESCRIPTIVE DATA

REDUCED COPIES OF MEASURED DRAWINGS

Historic American Buildings Survey  
National Park Service  
Department of the Interior  
Washington, D.C. 20243

## CHEROKEE NATIONAL PENITENTIARY

Location:

124 E. Choctaw Street, Tahlequah, Cherokee  
County, Oklahoma.

USGS Tahlequah Quadrangle, Universal Transverse  
Mercator Coordinates: 15/322175/3975640

Present Owner:

Cherokee County, Oklahoma.

Present Use:

County jail.

Significance:

The third and final addition to the permanent buildings of the Cherokee National Government, the structure served until statehood as the center of law enforcement in the Nation. As such it is an illustration of the internal integrity and functioning of the Cherokee Government during the time in which it was virtually independent of the government of the United States. By its very nature it was furthermore the scene of numerous dramatic occurrences during the final, and in some ways the most troubled years of the Cherokee Nation.

PART I. HISTORICAL INFORMATION

## A. Physical History:

1. Date of erection: 1874.
2. Architect: Not known.
3. Original and subsequent owners: It is not known who originally occupied the property upon which the building now stands, but from the date of erection, it was under the control of the National Government. All property in the Cherokee Nation was held in title by the tribe, therefore there are no records before U.S. government occupancy. The building remained in tribal hands until 1904, when it was sold to the County of Cherokee, State of Oklahoma, which has held title since that time:

Patent Conveying Tribal Property  
to

The Commissioners of Cherokee County Oklahoma  
June 29, 1914

Recorded June 3, 1915

Book 2, page 444 of the Office of the Clerk of Cherokee County,  
Cherokee County Court House, Tahlequah, Oklahoma.

4. Builder, contractor, suppliers: The contractor was S. Cavanaugh of Fort Smith, Arkansas, who wrote a letter:

"I am after completing the National Jail in the Cherokee Nation and have the general satisfaction, which I can prove by Will P. Ross, Principal Chief".

5. Original plans and construction: \$6,000 was appropriated for construction of the building by the Cherokee Nation council. The money was taken from the funds gained in the sale of lands in the so-called "Cherokee Strip". No original plans and specifications are found.
6. Alterations and additions: Originally a two-story structure on a high basement with north and south entrances and porches, the upper story was condemned by Mabel Basset (office unknown) and was removed in 1925. The building underwent extensive alterations and fireproofing at that time, the second story was not rebuilt, and the first was covered with a flat roof. The rear porch has been removed. The second story had been three bays of six-over-six double-hung windows on the facade, two bays of identical windows on the ends, a low hipped roof, and two chimneys placed between the bays on the facade. The grounds were surrounded by a broad fence, about eight feet high, and included a wooden gallows structure.

- B. Historical Context: Prior to the construction of the National Penitentiary, justice in the Cherokee Nation used to punish criminals with three ways: fines, flogging and hanging. Persons in custody for trial were kept in private homes, for which the residents were paid room and board. The confusion and its consequent lawlessness which were left in the wake of the Civil War brought various problems of law enforcement, and on November 24, 1873 the National Council passed an act authorizing the appropriation of \$6,000 for the construction of a prison, and empowering the Principal Chief to appoint a committee of three to oversee the project. The building was completed in 1874 and occupied soon after. The sections of the Cherokee Constitution relating to the office of the High Sheriff were amended to expand his duties relating to the new prison, and to the buildings of the National Government in general, of which the Sheriff was the statutory custodian. (The published laws do not include dates for constitutional amendments and additions, but this act first appears in the 1875 edition). There is presently some confusion as to the transfer of the structure at statehood. It is currently used as the jail for Cherokee County, but the Bureau of Indian Affairs report for 1907 indicates that it was used at that time as an insane asylum. At this writing there is no corroboration for this.

PART II. ARCHITECTURAL INFORMATION

A. General Statement:

1. Architectural character: The Cherokee National Penitentiary displays an inordinate amount of stonemason's skill, despite the several alterations the building has undergone.
2. Condition of fabric: Poor; the jail has undergone much remodeling, including the decapitation of the second floor in 1925.

B. Description of Exterior:

1. Over-all dimensions: The rectangular, one-and-a-half story building measures 48'-3" (three-bay front) X 35'-1".
2. Foundations: The building rests on a sandstone foundation which has been reinforced on the inside with concrete.
3. Walls: The walls are of rock-faced, coursed ashlar brown sandstone. They have never been painted.
4. Structural system: The stone bearing walls carry the load of the steel I-beams, which are 8 inches deep, spaced 22 1/2 inches on center to support the first floor, and spaced 27 inches on center to support the roof. Four-inch reinforced concrete slabs have been poured over these I-beams.
5. Porches: The front porch is in the center of the front (north) facade. It is a single bay in width and two in depth, the steps of concrete providing the first, and the open porch supported on a 4-inch reinforced concrete slab from the top of the steps to the building, providing the second. The sides of the concrete stairs and the sides of the porch have low walls of uncoursed ashlar sandstone (undoubtedly stone originally used in the second floor of the building), capped by three-inch concrete slabs, which slightly overhang the sides of the stone. Two piers of the same stone, formed of single stones stacked and well-mortared, support the hipped porch roof, which is of frame construction: 2"x4"'s forming the rafters covered by a brown asphalt shingle roof, with a ceiling of novelty boards. A short steel I-beam is also used to reinforce this framing, and spans the distance between the two piers.

A small rear porch of wooden construction, covered with cove siding and red asphalt shingle gable roof, is in front of the rear door, which is in the westernmost (lefthand) bay of the basement floor. It shelters three concrete steps.

6. Chimneys: Two small chimneys of brick in common bond rise above the center of the side walls (both east and west) about two feet. Four ventilator stacks, all of sheet metal, are almost equally spaced in the center of the four quadrants of the flat roof. These may be seen above the roofline, as also the four vent stacks of the sewerage system.
7. Openings:
  - a. Doorways and doors: Both front and rear doors have remnants of plain board enframingent. The front door is a 6-pane-over-3-cross panel bead-and-cove trimmed door, painted gray. It has a narrow, single-pane toplight, which occupies the entire width of the doorway. The rear door, in the left bay of the rear facade at the basement level, is identical.
  - b. Windows and shutters: There are no shutters. The window openings of the basement are segmental, with splayed sandstone voussoirs, and those of the first-floor are square headed, with smooth ashlar limestone flush lintels and slightly projecting sills. All the windows on the first floor and most of those in the basement are barred twice, the bars painted silver, and have a wire screen in between. In the basement, the segmental openings have been boarded over to provide square-headed openings for wooden frame, single-light sash, painted white.
8. Roof:
  - a. Shape, covering: The roof is a flat reinforced concrete slab, approximately 4 inches thick, tar covered. The roof extends beyond the edge of the wall about two inches.

C. Description of Interior:

1. Floor plans: The front (north) entrance, in the center bay of the first floor, opens immediately into the vestibule. From this room it is possible to enter the men's cellroom in the left side of the building; to enter the jailer's office immediately to the right, behind which is the women's cellroom in the rear right (southwest) corner of the building; or, to enter the basement by means of a flight of stairs. The right side of the basement, under the jailer's office and women's cellroom, is the jailer's kitchen and living room. Beneath the men's cellroom and the entrance vestibule, are two bedrooms. A square closet is on the east wall of either bedroom. A bathroom has been partitioned off in the left rear (southeast) corner of the basement.
2. Stairways: The single-flight stairway between the first floor and the basement is steel with concrete treads, painted gray. Its sides are enclosed by walls.

3. Flooring: The flooring throughout the building is a poured concrete, finished smooth and painted gray. This is covered in the jailer's kitchen, in the basement, by roll linoleum.
4. Wall and ceiling finish: The ceilings throughout the building are merely the exposed I-beams and reinforced concrete slabs of the first floor and the roof. The exterior walls are of plaster, over stone, and the interior walls are plaster on expanded metal lath, which are attached to iron bars or cinder block partition walls. The color scheme varies; in the vestibule and jailer's office the walls and ceiling are green; in the men's and women's cellrooms they are painted Rustoleum silver, matching the bars of the cells. In the basement, the kitchen-living room has I-beams painted brown, while the ceiling and walls are painted white. In the bedrooms and bathroom, (the latter is partitioned with sheetrock), again, green is the only color used.
5. Doorways and doors: The door to the male cellroom is of sheet steel over steel bars, in a plain steel frame, all painted silver. The door to the female cellroom is likewise enframed and painted, but the door of steel bars is sheathed in novelty boards. The door to the jailer's office from the entrance vestibule is identical to the front door: it has 6-panes over three-cross panels, bead-and-cove trimmed, and it is painted gray. In the basement the only interior door is the new, unpainted hollow core door to the bathroom, in plain board frame, painted green.
6. Mechanical equipment:
  - a. Heating: Gas fed, ceiling hung fan units provide heat in the kitchen-living room and in the bedrooms of the basement. A small gas-forced air furnace stands in the entrance vestibule, and by means of exposed round ductwork, heats the interior.
  - b. Lighting: The artificial lighting throughout the building is by means of incandescent bulbs only.
  - c. Plumbing: There are five siphon commodes, two sinks and a shower nozzle with drain below, all of recent installation, in the men's cellroom. In the women's cellroom, there is one siphon commode, one sink and one shower nozzle with drain, likewise of recent date. In the basement, a new sink, a flush tank commode and a shower (prefabricated sheet metal and plastic base) have been installed in the jailer's bathroom.
- D. Site: The jail faces north-northeast. It is surrounded by a chain link fence approximately 10 feet high, topped by barbed wire. The

lot is on the corner of two-side streets which are fairly well traveled to skirt the central business district. A parking lot is to the right of the jail, and a vacant house behind.

### PART III. SOURCES OF INFORMATION

- A. Old Views: The best old photograph of the exterior of the structure before 1925 is a frontal view in the Oklahoma Historical Society, Oklahoma City, catalogue number 123-12612; filed with this are two photographs of the scaffold and gallows (123-12613 and 12614).

B. Bibliography:

1. Primary and unpublished sources:

Tulsa, Oklahoma. Foreman Collection of the Cillecrease Institute. "History of Tahlequah" [by Carolyn Thomas Foreman].

Fullerton, Eula E. "Some Social Institutions of the Cherokee, 1820-1906." Master's thesis in history, Oklahoma State University. On file in the John Vaughn Library, Northeastern Oklahoma State University, Tahlequah, Oklahoma.

"Insurance Maps of Tahlequah, Oklahoma," 1904, 1909 and 1927, the latter updated to 1934, Sanborn Map Company, Chicago, Illinois.

Letter, A.B. Cunningham, Executive Secretary of the Cherokee Nation to J.G. Wright, U.S. Indian Inspector, Muskogee, Oklahoma, 1907; in vol. 12 of the papers of the Superintendent of the Five Civilized Tribes, Oklahoma Historical Society, Indian Archives, Oklahoma City.

National Register of Historic Places. Inventory - Nomination form for the structure.

2. Secondary and published sources:

Ballenger, T.L. Around Tahlequah Council Fires. Muskogee, Oklahoma, 1935.

### PART IV. PROJECT INFORMATION

The project was undertaken by the Historic American Buildings Survey (HABS) in cooperation with the Oklahoma Historical Society and the Cherokee National Historical Society. Under the direction of John Poppeliers, Chief of HABS, the project was completed during the summer of 1975, at the HABS Field Office on the campus of Northeastern Oklahoma State University, Tahlequah, Oklahoma,

by Michael A. Tomlan (Cornell University), Project Supervisor; John D. Hnedak (Cornell University), Project Historian; Bethanie C. Grashof (University of Florida), Vicki J. Higgins (University of Cincinnati), Nicholas H. Holmes III (Auburn University) and Roger D. Swayze (University of Oregon), student assistant architects. The written descriptive data was edited for permanent HABS collection at the Library of Congress by Susan McCown, a HABS staff historian in the Washington, D.C. office, in the winter of 1981. Walter Smalling, Jr. of Heritage Conservation and Recreation Service, U.S. Department of the Interior took the documentary photos of the building in October of 1979.